

REMARKS

Claims 11-28 are pending in this application. Attached hereto is a complete listing of all claims in the application, with their current status listed parenthetically. By this Response, claims 11 and 16 have been amended.

Response to Arguments

In the Office Action, the Examiner maintains that Webster discloses mixed signal devices that contain a transmitter (elements 103, 105) and a single carrier receiver (element 207) for analyzing preamble of incoming signal and processing incoming signal and also contains a multi-carrier receiver (element 209) for processing incoming mixed mode packet.

However, Webster does not disclose ultra-wideband transmitters, receivers, or transceivers. Additionally, Applicant again points out that Webster does not include “a second transceiver” as recited in independent claims 11, 16, and 23. Applicant points out there is a clear distinction between Webster’s device, capable of receiving mixed mode signals, and the present invention related to ultra-wideband devices, each having at least two transceivers.

Rejection under 35 U.S.C § 102(e)

In paragraphs 1 and 2 of the Office Action, claims 11-15 stand rejected as unpatentable under 35 U.S.C. § 102(e) as being anticipated by Webster. The Applicant respectfully traverses this rejection.

A. The Law of Anticipation and Enabling Prior Art References

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Id.*

However, Applicant submits that claim 11, as amended has elements that cannot be found, either expressly or inherently, in Webster. For example, claim 11, recites, in part, an ultra-wideband communication device, a first transceiver structured to communicate at a first data rate; and a second transceiver structured to communicate at a second data rate, with the first and second transceivers structured to transmit and receive ultra-wideband signals. Webster does not teach or suggest a device with a first and a second transceiver.

As stated in the previous Response to Office Action, Webster teaches communication between four **separate and distinct radios**, 103, 105, 107 and 109. Each radio comprises "a **transmitter** configured to transmit according to a mixed waveform configuration and a **receiver** configured to acquire and receive packets with a mixed waveform configuration" (col. 2, lines 46-49) [emphasis added]. Webster's FIG. 16 illustrates a block diagram of a transmitter that shows various components of **the single transmitter**. Webster contains no teaching or suggestion of **one device that contains two transceivers**, with each transceiver structured to communicate at a different data rate, as recited in Applicant's claim 11.

Additionally, Webster does not teach ultra-wideband communications devices as recited in claim 11. Applicant submits that this rejection has been traversed and respectfully requests the Examiner withdrawal this rejection. Applicant respectfully submits that the above response has traversed the rejection of independent claim 11. Claims 12-15 depend from claim 11, and accordingly it is respectfully submitted that the rejection of claims 12-15, has been traversed by virtue of their dependency from claim 11. M.P.E.P. § 2143.03.

Rejection Under 35 U.S.C. § 103(a)

In paragraph 4 of the Office Action, claims 16-28 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Webster in view of U.S. Patent 6,853,835, ("Wynbeek"). Applicant respectfully traverses this rejection.

A. The Law of Obviousness

In order to establish a *prima facie* case of obviousness, three basic criteria must be met:

“First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined), must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant’s disclosure.” M.P.E.P. § 2142.

Applicant submits that the combination of these references would still not teach all of the elements as recited in Applicant's amended independent claims 16 and 23. Specifically, amended independent claim 16 includes the element “at least two ultra-wideband communication devices, each device structured to transmit and receive data using at least two data rates, and each device including a first ultra-wideband transceiver structured to communicate at a first data rate and a second ultra-wideband transceiver structured to communicate at a second data rate. Applicant submits that neither Webster nor Wynbeek teaches nor suggests a device that comprises two ultra-wideband transceivers. As previously discussed, Webster teaches a device capable of communication with “mixed waveforms” (Abstract). Wynbeek teaches a “communication device including a carrier wave-based transmitter [that] further includes an ultra wideband receiver.” See Summary of the Invention column 2, lines 15-17. The devices taught by Wynbeek are asymmetric devices “using two different radio technologies.” (Title and Summary of the Invention).

Similarly, independent claim 23, as amended, includes the element “an ultra-wideband communication device comprising a first ultra-wideband transceiver structured to communication at a first data rate and a second ultra-wideband transceiver structured to

communicate at a second data rate." These claim elements are not taught or suggested by either Webster or Wynbeek, alone or in combination.

Accordingly, Applicant respectfully submits that the above response has traversed the rejection of independent claims 16 and 23. Because claims 17-22, and 24-28 depend from claims 16 and 23, respectively, it is respectfully submitted that the rejection of claims 17-22 and 24-28 has been traversed by virtue of their dependency from claims 16 and 23. M.P.E.P. § 2143.03.


Conclusion

Applicant believes that this Response has addressed all items in the Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 11-28 at an early date is solicited. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

June 6, 2006

Date



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